

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 21, 2008

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J. and P. Gonzalez,
Deputy Clerk.

B194082 Arteaga v. Brinks Inc., et al.

Argument waived, cause submitted.

B200379 Ambrose, M.D. v. Farmers New World Life Ins.

Continued to July 23, 2008.

B196181 Wilshire Margot Apts. v. LAUSD

Matter ordered off calendar.

B200141 CSEA v. Bonita Unified School District

Advanced to May 20, 2008 calendar.

DIVISION ONE (continued)

B197395 Karim Slate et al.
 v.
 United Technologies Corporation et al.

Merits:
Argued by Wayne C. Smith for appellants and by Garry L. Montanari for respondents. Cause submitted.

B194434 Quelin Edwards
 v.
 Los Angeles Unified School District et al.

Merits:
Argued by Heather Appleton for appellant and by Rupert A. Brydstrong for respondents. Cause submitted.

B199465 Jerry Cheu Wong
 v.
 Julie Kuen Wong

Merits:
Argued by Sheryl L. Hammer for appellant and by Stephen H. Mattern for respondent. Cause submitted.

B198167 G&W Builders, Inc.
 v.
 Bernards Bros., Inc., et al.

Merits:
Argued by Douglas Benedon for appellants and by Serge Tomassian for respondent. Cause submitted.

DIVISION ONE (continued)

B196606 Michelle Cayton
v.
TRE Holdings LLC.

Merits:
Argued by Michael J. Melton for appellant and by David M. Brandon for respondent. Cause submitted.

Court recesses.

Court reconvenes.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J. and P. Gonzalez, Deputy Clerk.

B195245 311 South Spring Street Co., LLP
v.
State of California

Merits:
Argued by Donna M. Dean, Deputy Attorney General for appellant State of California and by Frank Gooch III for appellants 311 South Spring Street et al. Cause submitted.

Court adjourned.

B199000 People (Not for Publication)
v.
Martinez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

May 21, 2008 (Continued)

DIVISION ONE (continued)

B195700 People (Not for Publication)

V.

Mejia

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B197281 Parvizian

V.

Parvizian

Filed order granting petition for rehearing.

B197198 Francis et al.

V.

State of California et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B198128 People (Not for Publication)

V.

Merida

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION TWO (continued)

B198229 Robert J. DeBlasis, et al. (Not for Publication)
 v.
 Cohen & Lord et al.

The order of the trial court is reversed and remanded to the trial court with instructions to order the parties to arbitration. Appellants are entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B196915 Susan E. Manning (Not for Publication)
 v.
 Investors Capital Corporation, et al.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION THREE

B203040 People (Not for Publication)
 v.
 Venerable

The appeal is dismissed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (continued)

B197832 People (Not for Publication)

v.
Miller

The judgment is affirmed in part, reversed in part and remanded for resentencing. The sentences are vacated to the extent indicated in this opinion and the matter is remanded to the trial court for a limited resentencing.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B198893 People (Not for Publication)

V.
Good

The trial court's order denying the petition for modification of sentence is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B193502 Porifirio Serrano, et al.
v.
Stefan Merli Plastering Co., Inc., et al.

Filed order denying petition for rehearing.

May 21, 2008 (Continued)

DIVISION THREE (continued)

B194593 Benjamin
v.
S.C.L.A.
Rafie, et al.

Filed order granting petition for rehearing. Cause resubmitted.

B197706 Tan, et al.
v.
Arnel Management Co., et al.

Filed order granting petition for rehearing.

1001661-08

The Honorable **ROBERT M. MALLANO**, Associate Justice of the Court of Appeal, Second Appellate District, Division One, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division Three**, as a justice thereof, on the following date(s):

July 15, 2008

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

May 19, 2008

Ronald M George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION FIVE

B194534 Housing Authority of Los Angeles (Not for Publication)
v.
Craig Ramseyer et al

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

B201455 Michelle Cole (Not for Publication)
v.
Federica Haymaker

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur: Turner, P.J.
Mosk, J.

DIVISION SIX

B198717 Ceder (Not for Publication)
v.
Breadhead, Inc.

The judgment is affirmed. Costs to respondent.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

May 21, 2008 (Continued)

DIVISION SIX (continued)

[illegible]

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B199672 Miranda (Not for Publication)
v.
The Helman Group, et al.,

The judgment awarding \$130,000 to Miranda against Helman for wrongful termination is reversed. The judgment is otherwise affirmed. Respondent is awarded costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

B195095 People
v.
Johnson

Filed order modifying opinion. (No change in the judgment)

DIVISION EIGHT

[illegible]

The clerk of the superior court is directed to correct the abstract of judgment to reflect 87 days of conduct credit and forward a certified copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B195680 People (Not for Publication)
v.
Barrera

The judgment of conviction is affirmed. The abstract of judgment is to be modified to reflect a fine of \$10 under Penal Code section 1202.5, subdivision (a).

Egerton, J. (Assigned)

We concur: Cooper, P.J.
Flier, J.

B194219 Santillan et al., (Certified for Publication)
v.
Roman Catholic Bishop Of Fresno

For the reasons set forth above, the judgment is reversed. Appellants shall recover their costs on appeal.

Rubin, J.

I concur: Flier, J.
I dissent: Cooper, P.J. (Opinion)

DIVISION EIGHT (continued)

B194313 Estate of Frank Major, Deceased. (Not for Publication)
 Rowland Johnson
 v.
 Damon Major, as Administrator, etc.,

The orders under review are reversed, and the matter is remanded for further proceedings in accordance with this decision. Appellant shall recover costs.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

B202219 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Charvondria M.,

The court's dispositional orders are reversed to the extent they ordered Ty'ron on an extended visit with Darius without compliance with the ICPC and without consideration of the mother's right to attempt reunification. In all other respects, the orders are affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

May 21, 2008 (Continued)

DIVISION EIGHT (continued)

B201843 Los Angeles County, D.C.S. (Not for Publication)
v.
Kevin S. et al.,
In re Paris S., a Person Coming Under the Juvenile Court Law.

The orders in the reunification plan that the educational rights of Mother and Father and require to provide proof of legal employment are reversed. the order requiring Mother and Father to participate in a drug treatment program is modified to and order requiring Mother and Father to participate in an outpatient drug treatment program with random drug testing, and entry into a drug treatment program if any drug tests are failed or missed. In all other respects, the orders of the dependency court are affirmed.

Flier, J.

We concur: Cooper, P.J.
 Rubin, J.

1001690-08

The Honorable **ARTHUR GILBERT**, Presiding Justice of the Court of Appeal, Second Appellate District, Division Six, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division Eight**, as a justice thereof, on the following date(s):

May 19, 2008

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

May 19, 2008

Ronald M George
Chief Justice of California and
Chairperson of the Judicial Council